



Docket No.: 3691-0128PUS1
(PATENT)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kyogo ITOH et al.

Application No.: 10/573,032

Confirmation No.: 4420

Filed: March 22, 2006

Art Unit: Not Yet Assigned

For: PEPTIDE DERIVED FROM HEPATITIS C
VIRUS

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT

**(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL REJECTION OR NOTICE
OF ALLOWANCE OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. COPIES

☒ a. Copies of cited U.S. patents and patent application publications are not included. Copies of foreign patent documents and non-patent literature are included.

☐ b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

☐ c. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Appl. No(s) and U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

☒ a. DOCUMENTS IN THE ENGLISH LANGUAGE - The patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.

☐ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

☐ c. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

☒ d. OTHER - The following additional information is provided for the Examiner's consideration.

WO 94/21027 A1 corresponds to JP 8-507525 A, which was cited in the Information Disclosure Statement previously filed on March 22, 2006.

WO 99/58658 A2 corresponds to JP 2002-520000 A, which was cited in the Information Disclosure Statement previously filed on March 22, 2006.

WO 02/83714 A2 corresponds to U.S. 2002/0119127 A1, which was cited in the Information Disclosure Statement previously filed on March 22, 2006.

WO 01/21189 A1 corresponds to JP 2003-509465 A, which was cited in the Information Disclosure Statement previously filed on March 22, 2006.

WO 94/03205 A1 corresponds to JP 8-500106 A, which was cited in the Information Disclosure Statement previously filed on March 22, 2006.

WO 99/45954 A1 corresponds to JP 2002-507397 A, which was cited in the Information Disclosure Statement previously filed on March 22, 2006.

WO 99/50301 A2 corresponds to JP 2002-510038 A, which was cited in the Information Disclosure Statement previously filed on March 22, 2006.

WO 99/24466 A2 corresponds to JP 2001-522599 A, which was cited in the Information Disclosure Statement previously filed on March 22, 2006.

Copies of WO 01/70772 A2; WO 02/04484 A12; WO 02/055548 A2; WO 93/11158; JP 3-228681 A (and abstract); JP 8-73497 A (and abstract) WO 03/084988 A2; and Takao et al., *Microbiol. Immunol.*, 45(7), 507-517 (2004) are provided herewith for the Examiner's convenience. Each of these references were cited in the Information Disclosure Statement previously filed on March 22, 2006.

IV. FEES (check one box)

- ☐ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.
- ☐ b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.
- ☐ c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.
- ☐ d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

☐ e. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

☒ f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).

☐ g. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

☐ No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached.

or

☐ See the statement below. No fee is required.

V. STATEMENT UNDER 37 C.F.R. § 1.97(e)

(check only one box)

The undersigned hereby states that:

☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person

signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box)

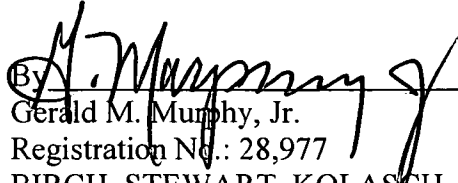
- ☐ The required fee is listed on the attached Fee Transmittal.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: JUL 31 2006

Respectfully submitted,


By _____
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Attachment(s):

- ☒ PTO-SB08
- ☒ Documents
- ☒ Foreign Search Report
- ☐ Fee
- ☐ Other:



JUL 31 2006

PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/573,032-Conf. #4420
				Filing Date	March 22, 2006
				First Named Inventor	Kyogo ITOH
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	3691-0128PUS1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	WO-89/04669-A1	06-01-1989			
	BB	WO-94/20127-A1	09-15-1994			
	BC	WO-99/58658-A2	11-18-1999			
	BD	WO-02/83714-A2	10-24-2002			
	BE	WO-01/21189-A1	03-29-2001			
	BF	WO-94/03205-A1	02-17-1994			
	BG	WO-99/45954-A1	09-16-1999			
	BH	WO-99/50301-A2	10-07-1999			
	BI	WO-99/24466-A2	05-20-1999			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Hunziker et al., <i>Molecular Immunology</i> , 38 (2001) 475-484	
	CB	Gohara et al., <i>Journal of Immunotherapy</i> , 25(5): 439-444, 2002	
	CC	Miyagi et al., <i>Clinical Cancer Research</i> , Vol. 7, 3950-3962, December 2001	
	CD	Tanaka et al., <i>Journal of Immunotherapy</i> , Vol. 26, No. 4, pp. 357-366, July/August 2003	
	CE	Mine et al., <i>Cancer Sci</i> , Vol. 94, No. 6, pp. 548-556, June 2003	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/Michelle Horning/	Date Considered	01/01/2011
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Birch, Stewart, Kolasch & Birch, LLP

GMM/las

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /MH/